

12/6/50

Memorandum to the Department of Defense Task Force on Publishing, Printing, and Distribution of Training and Educational Literature.

From Technical Publishers Group

I. All offices in the Armed Services that are responsible for the production of training and educational literature should be reminded of official policy of the Departments as to use and republication of copyrighted materials, and should be cautioned against breach of this policy as it is stated in the Armed Services Procurement Regulations, Section IX--Patents and Copyrights, Part 2:--

"9-201 Government Use and Publication of Copyrighted Material.

The Departments recognize that the owner of copyrighted material has a property right in such material and it is the policy of the Departments that copyrighted matter will not knowingly be incorporated in publications prepared by or for the Departments, except with the written consent of the copyright owner. The attention of copyright owners should be invited in appropriate instances to the Act of 30 July 1947 (17 U. S. Code 8), providing that 'the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor.'"

II. Similarly, all such offices should have the following information on the requirements of publishers who are requested to give permission for use of copyrighted materials.

OSD HAS NO OBJECTION TO DECLASSIFICATION AND RELEASE.

1. So-called "blanket" permission, that is, permission to quote unspecified and unlimited amounts of material from a copyrighted book, cannot be given. In order to fulfill his obligation to protect his and the author's property rights in copyrighted materials, the publisher must be very specific in identifying all such materials that are to be used by permission in an Armed Services book or manual. Further he must maintain a specific record of each permission, for he is answerable to the author for his stewardship of the author's property rights in the materials which the publisher has copyrighted.
2. In order to expedite consideration of each request, the Armed Services office requesting permission should in each instance specify by page and line the passage that is to be quoted. Giving a count of the total number of lines or the total number of pages will be helpful. Figures or plates should be specified by number.
3. The publisher cannot give permission for the reuse of material that has been used in one of his books by permission from another copyrighted source. For this reason, the Armed Services Office requesting permission should be sure in each case that the publisher is the holder of the original copyright.
4. The publisher must have a statement of the proposed use of the book or manual in which copyrighted material is to be reprinted, this statement to include the approximate number of copies to be printed initially and whether these copies are to be placed on sale, and if so, in what manner and at what price.
5. If the copyrighted material is to be used in a general, rather than a local, publication, then the extent of general distribution must be specified, and the phrase, "For Official Use Only," must be printed on the cover or the title page of the publication.

It should be understood that in most cases publishers are not willing to give permission for free use of copyrighted material in Armed Services manuals and textbooks that are to be placed on public sale by the Superintendents of Documents.

III. Similarly, all such offices should be reminded that they are responsible for insuring that all copyrighted materials are clearly indicated by copyright notices that will adequately protect the publishers' and authors' interests. It should be stressed that Armed Services personnel must be meticulous in this matter because many people have the erroneous idea that all materials printed in government books and manuals are in the public domain. To this end:

1. All offices of production of training manuals and texts should be instructed that, whatever other credit may be given the publisher, there must appear on the first page of each quotation covered by the permission or on the copyright page of the volume in which copyrighted material is used, something like the following:

Reprinted from (title of book) by
(name of author) by permission of
(name of original publisher).
Copyright (proper date).

2. Each office of publication should be required to certify that proper copyrighted releases have been obtained and proper copyright notices have been inserted before the manuscript of a training manual or text containing copyrighted material is approved for production and distribution. Publishers should not be asked to fill in elaborate forms to certify permission. In most cases, a letter or a simple statement signed by the publisher should be sufficient to certify permission for the use of materials that have been properly specified by an Armed Services office of publication.

3. Each office of production should be required to submit a copy of each security-free publication to each publisher whose copyrighted material has been reproduced herein, this copy to be submitted as proof that the publishers' and authors' rights are protected as required by law and the Armed Services policy.